

# New Ways of Expressing and Suppressing Dissent in 21<sup>st</sup> Century: A Study of Ukraine

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## Abstract

*Expressing dissent is an important part of any democratic step up. In last few years we have witnessed protests in several countries including democratic countries. However, what is interesting the methods of protests that have been adopted by the protesters. The methods are largely influenced by the happenings in the other parts of the world especially the Middle East. Government also has adopted some unique ways and often harsh measures to quell the protests. Reactionary measures adopted by countries across the continents in the 21<sup>st</sup> century makes an interesting study.*

*Protests have gripped Ukraine since the government rejected a far-reaching accord with the EU in favour of stronger ties with Russia in November 2013. They turned violent on 19 January and deadly on 22 January in the capital, Kiev, where confrontation degenerated into rioting after the government brought in tough new legislation to end mass protests on the main square. Ukraine as a country is not new to protests. The country saw the now infamous Orange Revolution in 2005. The paper will make an attempt to understand the new ways of expressing and suppressing dissent in the 21<sup>st</sup> century taking Ukraine as a model. In this regard, the study of Ukraine is very appropriate.*

**Keywords:** Democracy, Dissent, Expressing, Suppressing, Ukraine, etc.

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## Introduction

Dissent is to publicly disagree with an official opinion or decision. There are two phenomena associated with dissent and they are expressing dissent and suppressing dissent. Dissent is usually taken as political dissent and that means a disagreement with the methods and policies of government. Dissent is both lauded and loathed. It is lauded when it is in the glorious, unthreatening past. Famous dissenters include Socrates, Galileo, Gandhi, Mandela and Martin Luther. Dissent is especially lauded when dissenters emerge victorious, such as the signers of the Declaration of Independence. It is also lauded when it is geographically distant. Aung San Suu Kyi, the charismatic leader of the opposition to Burma's repressive regime, is an example. But dissent is less attractive - at least to those whose power or position is threat. The value of dissent to society is recognized through the respect paid to the principles of free speech, free assembly and the like.

The concept of dissent covers a wide range of phenomena, from the intimate to the global and from the subtle to the bombastic. Dissent can be in the form of thought alone or appear as the arching of an eyebrow, or can be manifest in major protest actions. It can challenge the views or edicts of parents, teachers, peers, experts, bosses, national leaders, church leaders, or scientific elites. It usually involves a challenge to a dominant view by the less powerful, but occasionally a leader is a dissenter against a pervasive way of doing things. Dissenters

can be motivated by altruism, rationality, self-interest, or a host of other possibilities.

## Democracy and Dissent

The right to dissent is an important fundamental value that is universally cherished by modern democratic states. In democratic culture and under constitutional rule, the need to respect dissenting views is seen as self-evident. Truly democratic societies do not just tolerate dissent, they encourage it. Only when the right to dissent is guaranteed can citizens genuinely participate in a democracy. Democracies need to provide multiple channels through which the public can express any dissenting views they have and to supervise the government to ensure that policymaking is legitimate and transparent. Government has a duty to provide concrete, detailed information about their governance and policymaking, engage in genuine dialogue with her citizens and allow itself to be tested.

The governments rush to accuse those who express dissenting opinions of breaking the law. Legislators — on the pretext of forestalling troublesome protests — endow the executive with extraordinary powers to stop, question and control citizens, or give security forces wider powers to control public spaces, this is just another way of making it harder for dissidents to speak out and limiting the spaces where they can express themselves. Even if this is not actually martial law, one should think about whether passing such legislation would violate the principle of

proportionality, thereby making it unconstitutional.

Similarly, law enforcement authorities misinterpret legal clauses to define dissidents as lawbreakers, when they charge protesters based on concepts outlined in the Criminal Code such as “causing public danger,” “obstructing officials from carrying out their duties” and the even more laughable charge of “defamation of government offices,” when the executive — which controls law enforcement — shows a complete lack of self-control and lack of democratic culture.

As one can easily sense, the individual’s sovereignty and dissent are inseparable within a democratic society. A free public discussion and dissent strengthens the commitment and beliefs of individuals. Dissent reveals a fundamental loyalty to a country, a society or a community. The measure of democracy lies in opinions and not in the truth, dissent is not an indication of subversion or disharmony; on the contrary it is a sign of humble acknowledgment that every decision can become the object of revision, even that which is accepted and voted by a vast majority. Democracy is the only form of government conceived so as to result in a constant process of amending laws or decisions taken without jeopardizing the stability of civil and legal order. Dissent is hence set within the decision-making process. It is one of its fundamental elements. One can therefore join John Stuart Mill in saying that “formidable evil” is not in “conflict ... between parts of the truth”,

but instead in the “quiet suppression of half-truths.” Although the critics of democracy have often emphasized the conformist temptation of the political model, the principle of the individual’s sovereignty does not at all undersign an ideal of a harmonious society, but rather a society that learns how to regulate dissent without using force, using procedures for solving conflict through a free debate.

## Expressing Dissent

The most unique feature of the 21<sup>st</sup> century is the empowerment of people to express themselves and resist the inequalities, suppression and subjugation. We can talk of dissent from a particular law or laws; and also dissent from the government or state as a whole. In liberal democracies, there are legal ways in which we can express our dissent. We can vote against the government that made the law, we can take part in protests, we can join pressure groups that try to change the law. To dissent in a stronger sense is to say ‘I refuse to obey the law’, i.e. it involves illegal action. This can take the form of conscientious objection or civil disobedience. Whether our right to dissent covers civil disobedience is contentious, and discussed in the handout on Civil disobedience.

The most fundamental dissent is to the state as a whole, expressed in revolution. In a revolution, not only are the rulers replaced, but the structure or institutions of the state are also changed. If we acquire political obligation, as Hobbes and Locke

argued, by consenting to be ruled, then we must also retain the right to dissent from being ruled –or at least, from being ruled by the state as it is. Where dissent is expressed within the law, then there is no need to justify it. Where dissent involves disobeying the law, then it needs to be justified.

There are various ways in which the dissent is expressed. One simple tool of expressing dissent is through protests. There are many organizations-civil and political involved in mobilizing people and make them aware of the issues for which the dissent is being expressed. Popular support is very important for any protest movement. Tahrir Square in Egypt, Taksim Square in Turkey, Tiananmen Square in China and Shahbagh Square in Bangladesh etc have become the symbols of expression of dissent. The nature of these protests is generally non-violent. But often they turn violent either through own frustrations of not achieving the goals or through the suppressive actions of the authorities.

Dissent is most readily recognized in the form of words or symbols, such as speeches, petitions, slogans, pictures, films, clothes, and the like. The use of internet especially social media has given a new direction to dissent in the 21<sup>st</sup> century. The new technology enables not only extended message reach but a new style of protest – a networked ecology of dissent that is acephalous, decentralized and particularized. The new technologies can, on a practical level, make limited resources go along way, especially for financially stretched protestors. There is a proliferation of sites

that collect, collate and publish the works of many oppositional movements. The new technology is undoubtedly effective at connecting many people together across the globe and in coordinating mass global actions.

It's also possible to dissent through one's actions. Of course, all actions have communicative dimensions, but they need not be symbolic in obvious ways. Many of those who harbored Jews during the Nazi occupation of Europe did so at great risk and without any fanfare afterwards. They dissented from Nazi policies without any distinctive verbal or other symbolic accompaniment. The action expressing dissent should be a nonviolent action. The can be done through protest and persuasion, such as speeches, petitions, slogans, rallies, mock elections, prayer, and rude gestures. The action based dissent can also be through non cooperation, which includes social ostracism, protest emigration, consumer boycotts, withdrawal of bank deposits, embargoes, judicial noncooperation, and a huge variety of strikes. The action based non violent action is also done through intervention, which includes methods such as fasts, sit-ins, alternative media, and setting up alternative political institutions.

Often it is assumed that dissent is expressed in words, and furthermore as particular types of words: polite, rational, intellectual discourse. Polite words manifest dissent that symbolizes civility. The civil style has advantages: it is less likely to polarize the situation and allows the reader or listener to concentrate on the content

without the distraction of unconventionality. It is more likely to fit into an ongoing dialogue. But polite behavior can easily be ignored, especially by media seeking conflict and drama. Next is rationality, which includes having a logical line of argument based on clear premises and appropriate use of evidence. Dissent through intellectual discourse is also effective expressed in words like done by Noam Chomsky and Arundhati Roy, etc.

## Suppression of Dissent

Suppression of dissent means an action taken in an attempt to stop or penalize a person who makes a public statement or does something that is seen as a threat to a powerful interest\_\_group, such as a government, corporation or profession. Typical actions include ostracism, harassment, censorship, forced job transfer, reprimands and dismissal. Suppression is action against dissent that does not involve physical violence. The reaction to dissent is more important test of democracy than the dissent itself. If dissent is allowed and then allowed to die down without meeting the demands of the dissent, it would also weaken or provide a negative picture of democracy. However, suppressing the dissent in a way which has no space in the legal and constitutional framework questions the concept of democracy.

Spying has been frequently used to suppress dissent. In the middle-east protests that are still continuing in Egypt and Syria provide us many such examples. Even democracies like the US and India have also

used this method. Now the often justification is that the spying is not done even if it is done in the public interest as a tool to prevent violence. Spying is meant to cover both political figures and common people as well. Now in democracy the distinguishing feature is accountability and transparency. And the true test of it comes only when there is an atmosphere of dissent. If the authorities use this readily put a big challenge to democratic tradition. Spying may be internet spying or what you call surveillance or it may be physical spying. CIA of USA, Mossad of Israel, IRA of Iran and ISI of Pakistan and many such similar organizations have been accused of spying at different times. In fact, NSA justified spying in recent past. Obama also justified it.

Banning of media organizations and social media is used to suppress dissent in 21<sup>st</sup> century. Under the pretext of reasonable restrictions on freedom of speech and expression the action is taken and justified. Over the years many newspapers, TV channels and internet sites have been banned in different countries across the world. Banning of books has increased in the 21<sup>st</sup> century. Sedition charges have been used against people even in constitutional democracies. And like in case of spying this act of banning has continued and has been justified. Interestingly, sometimes opposition forces and ruling authorities come together to justify the banning depending upon the interests. The dissent is considered as the dissent against the state and all stakeholders come together to



maintain the status quo that dissent challenges.

Repressive laws are also used to suppress dissent. In many democratic countries there are number of repressive laws that allow illegal detention, interrogation and many other acts that violate human rights. India has such laws like Public Safety Act, the Armed forces Special Powers act. The Malaysian government has used laws like the Sedition Act 1948, the Peaceful Assembly Act 2012, the Penal Code and the Printing Presses and Publications Act 1984 to suppress dissent. And such laws have been formulated in many countries across continents.

Lack of accountability in security forces or giving too much power to police forces has developed as a tool to suppress dissent. In the 21<sup>st</sup> century many face offs have been seen in which police has fired at unarmed protesters. We have seen these incidents in Kashmir, Sri Lanka, Egypt, Syria, Tunisia and Ukraine and many other places. Even at times target killings have taken place in countries to kill opponents, activists and protesters etc.

Restrictions on NGO's and civil society organizations are also means to suppress dissent. These organizations play an important role in democracy in general and in mobilizing the people to protect and promote their interests in particular. The expression of the rights is done through these organizations. As such these organizations also become the target of state authorities and their working is controlled to

suppress dissent. It can be done through repressive laws or through action against the leaders or representatives of these organizations.

However, it has been noticed that all these methods that are used to suppress dissent have not actually curbed the dissent. In fact, dissent has intensified and taken violent means to express itself. This means more repressive ways to suppress it and this vicious circle continues. Democratic countries have not been democratic enough to debate these methods of suppressing dissent. Judiciary has played a role in some countries but in most countries its role has too been questioned. It has at times supported the decisions of the executive in the grab of public interest. Nationalist feelings rather patriotic feelings give justification to many of these illegal, regressive ways of suppressing dissent. International community has also taken interest based stand on many such issues that have come before it from time to time. We have noticed this when the issue of Sri Lanka and Syria was raised in the UN in recent past. Again instead of stand based on international law and democratic principles it is the stand evaluated on the basis of selfish self interests that countries deal with such issues of repressive ways of suppressing dissent.

## Ukraine as a case for understanding dissent

Ukraine, comparable in size and population to France, is a large, important,

European state. The fact that it occupies the sensitive position between Russia and NATO member states Poland, Slovakia, Hungary, and Romania adds to its geostrategic significance. From the mid-1990s until 2004, Ukraine's political scene was dominated by President Leonid Kuchma and oligarchic "clans" that supported him.

Ukraine's 2004 presidential elections were won by Viktor Yanukovich. The chief opposition candidate was former Prime Minister Viktor Yushchenko. Yushchenko's supporters charged that massive fraud had been committed. Hundreds of thousands of Ukrainians took to the streets, in what came to be known as the "Orange Revolution," after Yushchenko's chosen campaign color. They appealed to the Ukrainian Supreme Court to invalidate the vote. The court did so and set a repeat runoff vote. Yushchenko won the December 26 re-vote, with 51.99% of the vote to Yanukovich's 44.19%.

However, subsequent events led to disillusionment among Orange Revolution supporters, both in Ukraine and abroad. President Yushchenko soon fell into squabbling with Yuliya Tymoshenko, his main backer during the Orange Revolution and his first prime minister. Yanukovich, who also served briefly as prime minister during this period, also was involved in this infighting. As Ukrainian leaders engaged in this political battle, an overwhelming majority of Ukrainians grew disgusted with the Ukrainian political class. The Orange Revolution came to an end with the victory of Yanukovich over Tymoshenko in the presidential election of February 2010. As in

past elections, the results showed a sharp regional split, with Yanukovich winning in Russian-speaking eastern and southern Ukraine, while Tymoshenko prevailed in central and western Ukraine, where Ukrainian nationalism is stronger.

Yanukovich's government was criticized over its human rights record. In the most prominent case, in October 2011 Tymoshenko was convicted of abuse of power arising out of her role in signing a natural gas supply agreement with Russia and sentenced to seven years in prison. Ukraine's October 2012 parliamentary elections fell short of international standards, according to international election observers.

Despite growing dissatisfaction with the government, there was little likelihood of public unrest in Ukraine, given widespread disillusionment with the outcome of the Orange Revolution. However, this situation changed suddenly in November 2013. On November 21, the government made a last-minute decision to not sign an Association Agreement with the European Union, due to Russian pressure. This sparked anti-government protests. The first demonstrations in Kyiv in late November were relatively modest in size. On November 30, Ukrainian special police attacked and viciously beat peaceful protestors in Kyiv's central Maidan Nezalezhnosti, or Independence Square. The action outraged many Ukrainians, and resulted in a massive upsurge in participation in the protests in Kyiv. Smaller protests occurred in other Ukrainian cities,

mainly in opposition strongholds in western and central Ukraine. According to some observers, the turnout in Kyiv at times even exceeded those during the Orange Revolution.

By mid-January, the Independence Square protests were continuing, but with fewer protestors than at their peak in early December. Perhaps seeing a chance to “restore order,” on January 16, the Party of Regions and its allies in the Ukrainian parliament rapidly approved, by a show of hands, a series of laws sharply increasing criminal penalties for many of the activities associated with the protests, such as seizing public buildings, wearing helmets, setting up tents or a stage, etc. Another law requiring all organizations receiving foreign funding to register as foreign agents appears to be based on a similar Russian law.

The new measures were fiercely condemned by the opposition parties and the protestors as the “dictatorship laws.” After their adoption, violence between the most militant of the protestors and police increased sharply. At least four persons were killed in the violence, while scores of others were brutalized by police. Several government ministry buildings in Kyiv were either blockaded or seized by protestors. In addition, protestors seized control of or blockaded government buildings outside of Kyiv, mainly in western and central Ukraine, but also in some places in the east. After this setback, the government again appeared to adopt a strategy of backpedaling and playing for time. On January 28, Prime Minister Mykola Azarov resigned. On the

same day, the Ukrainian parliament voted to repeal the “dictatorship laws” and adopted a law to give amnesty to the protestors.

After pausing for several weeks to gather its forces once again, on February 18 the government embarked on its most violent crackdown attempt against the Maidan, one that quickly resulted in the regime’s own demise. Elite “Berkut” riot police attempted to clear protestors from the Maidan and other areas of Kyiv. Many casualties were caused by firearms, mainly used by the police, including by snipers. The government reportedly had plans to use snipers much more extensively and also unsuccessfully tried to order the army to join the crackdown.

The death toll may have caused support in the Ukrainian parliament for the crackdown and the regime to collapse. On February 20, it approved a resolution calling for the pullout of the Interior Ministry and military forces from Kyiv to their bases and a ban on the use of firearms. Of the 450-member body, 239 were present for the vote; 236 voted for the resolution. Once the police and military complied with the resolution, groups of protestors seized key government buildings. Yanukoyvch and scores of his supporters in the government and parliament fled the capital by the 21st, many heading for the eastern and southern parts of the country, while others continued into Russia.

The Ukrainian parliament, now composed mainly of opposition deputies, has rapidly passed sweeping measures with little or no opposition. The parliament



deposed Yanukovych as President on February 22 for abandoning his duties. The parliament also voted to make Turchynov acting president until new presidential elections are held, which the parliament set for May 25. The parliament restored the provisions of the 2004 Ukrainian constitution, eliminating changes made by Yanukovych to strengthen the presidency. Ex-President Yanukovych and dozens of other top officials of the former regime are being sought by police for their part in killing and injuring Maidan protestors and other regime opponents.

The parliament has dismissed the members of the former government, and parties in the parliament are putting together a “government of national trust” to govern the country, at least until a new president is elected. The proposed choices for a new government were presented to a crowd of tens of thousands in the Maidan on February 26. They include both representatives of the opposition parties and Maidan activists. Fatherland leader Arseniy Yatsenyuk was nominated as Prime Minister.

Chances of separatism in the eastern and southern regions of the country, where the former regime drew most of its support have now materialized. Crimea has voted in favour of referendum to join Russia

In Ukraine we have seen expression of dissent at the large scale level two times in the last 9 years. The events at the Independence square do symbolize the expression of dissent. However, this dissent has to be put into context. There are some who call it foreign sponsored protest

movements. The US and the EU Union are looking at the market in Ukraine for their benefits and therefore supported those who challenged Yanukovych. Normally, protesters are not able to dislodge the authorities easily but Yanukovych was disposed easily. Thus, the foreign backed dissent is what many analysts refer to the current wave in Ukraine. This is not unique to Ukraine. Those dissenters that are fighting Bashar’s regime in Syria are supported by forces outside the country.

Russian soldiers took up positions at the television transmission center in the capital of the Ukrainian region of Crimea to muffle dissent over the Kremlin-backed project to guide Crimea through a swift secession from Ukraine.

The Ukrainian Interior Ministry has admitted on 20<sup>th</sup> February to deploying snipers, saying they were used to provide covering fire for officers who came under fire from armed protesters. But it these sniper attacks were carried out in a systematic manner to carry out target killings. Many people died of these sniper attacks. In fact, through an order Berkut police was given permission to use combat weapons. In other words the authorities were dealing with the situation in an anti terror strategy form.

Amid the protests the government in Ukraine on 16<sup>th</sup> January came up with a group of 10 laws against the freedom of Speech and Freedom of Assembly. These laws become notoriously famous as the Dictatorship laws. These laws included

provisions like protection from prosecution of security forces including Berkut police, trial in absentia of individuals, NGO's receiving foreign funds can be declared as foreign agents, 15 day jail for installation of tents, two years jail for causing deliberate traffic jam, internet censorship and many other such harsh provisions.

The one way of expressing that has been often used in countries is to attack public building and other public property. Ukraine has also adopted this practice. Protesters in Ukraine blocked government buildings to oust the president Victor Yanukovich. Earlier a military coup was used to oust the leaders but now -a -days even blocking the ministers sends a strong message and is very effective.

Stone pelting is increasingly becoming a norm during the protests wherever they take place. In Ukraine the media extensively carried out such incidents of stone pelting. Police personnels get injured during the clashes but they then use deadly weapons against the unarmed the protesters. Many people were killed during such incidents.

## Conclusion

Modern societies are knowledge based societies. The citizens are aware about their rights and duties. Whenever an attempt will be made to suppress the rights of people they are likely going to resist. Dissent is

necessary to keep a democracy vibrant. But the nature of the dissent is very important. If the expression or suppression of dissent is illegal or violent then it will be a threat to democracy. The fact is that there will be expression of dissent in 21<sup>st</sup> century. The government has to find ways to address the core issues behind an act dissent. The violent suppression of dissent leads to alienation and then the situation often goes out of the hand. However, the modern day expression and suppression of dissent is complex. There are many players often foreign elements whose positions are interest based. They take sides and change the nature of the dissent. The example of Syria and Ukraine is a proof of that.

As already mentioned that modern democracies are knowledge based and awareness is necessary, therefore the nature of information is important. An institutional set up should be in a country that makes people see beyond what is obvious and protect people from being misled. Dissent in countries in the recent years has led to civil war in countries. This is the proof of the fact that the purpose of the dissent is very soon lost to interest groups. Instead of dissent, it is the hijacking of dissent movements that has to be prevented. An institutional mechanism to express grievances and an effective system to address those grievances will in a long way help in helping deal with any challenge. Dissent should be looked at positively but at the same time the forces behind the dissent need to be highlighted and accordingly people can be made aware of these things.

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